IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.11.2007

CORAM

THE HON'BLE MR.JUSTICE M.JAICHANDREN

Writ Petition Nos.9085,9086, 9088 and 9089 of 1999

T.Samuel Paulraj .. Petitioner in W.P.No.9085 of 1999

S.Anantharaj .. Petitioner in W.P.No.9086 of 1999

Subbulakshmi .. Petitioner in W.P.No.9088 of 1999

Subbulakshmi .. Petitioner in W.P.No.9089 of 1999

vs.

1.The State of Tamil Nadu
rep. by its Secretary to Govt. Rural Development
Local Administration Department,
Fort St.George, Chennai-9.

2.The Municipal Corporation Council,
Tirunelveli Corporation
Rep. by its Commissioner, Tirunelveli .. Respondents in all the writ petitions

Prayer in Writ Petition Nos.9085,9086 and 9089 of 1999: These writ petitions are filed under Article 226 of the Constitution of India praying for the issuance of a Writs of Declaration, declaring that G.O.Ms.No.67 Municipal Administration and Water Supply Department, dated 2.3.99 issued by Govt. of Tamil Nadu Rural Development and Local /Administration Department is without authority of law, illegal and violative of articles 14 and 19(i)(g) of the Constitution of India in so far as it empowers local bodies to cancel existing lease obtained by transfer of lease rights so far as the petitioners are concerned.

Prayer in W.P.No.9088 of 1999:-
The writ petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorari to call for the records of the second respondent's resolution dated 28.4.1999 relating to A2/2150/99, dated 10.5.1999, in respect of the shop No.11 (out side bus stand shops) Bus stand, Palayankottai, Tirunelveli and quash the same.

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For petitioner : Mr.P.Krishnan

For respondents : Mr.N.Manoharan
Government Advocate for R1
Mr.K.R.Thamizhmani for R2

C O M M O N O R D E R

The writ petitions have been filed by the petitioners challenging G.O.Ms.No.67 issued by the Municipal Administration and Water Supply Department, dated 2.3.1999, and the consequential proceedings issued by the respondents based on the said Government order as being illegal and ultravires the constitution of India.

2. It is submitted by the learned counsels appearing for the respondents that the impugned G.O.Ms.No.67 of the Municipal Administration and Water Supply Department, dated 2.3.99, issued by Govt. of Tamil Nadu Rural Development and Local Administration Department had been subsequently, superceded by the issuance of G.O.Ms.No.165 of the Municipal Administration and Water Supply Department, dated 29.6.2004. It has also been submitted by the learned counsels appearing for the respondents that G.O.Ms.No.92, Municipal Administration and Water Supply Department, dated 03.07.2007 has also been issued subsequently.

3. It has also been pointed out that in similar circumstances, this Court had passed an order, dated 9.3.2007, in W.P.No.9158 of 1999, which reads as follows:

> "The prayer made in the writ petition is to declare G.O.Ms.No.67, Municipal Administration and Water Supply Department dated 02.3.1999 issued by the Government of Tamil Nadu Rural Development and Local Administration Department is without authority, of law illegal and violative of Article 14 and 19 (i) (g) of the Constitution of India in so far as the petitioner is concerned.
>
> 2. Learned counsel appearing for the respondents submits that during the pendency of the writ petition, the Government issued G.O.Ms.No.165, Municipal Administration and Water Supply Department, dated 29.6.2004 granting permission to transfer the lease in favour of the legal representatives and also transfer made prior to the date of G.O.Ms.No.67, Municipal Administration and Water Supply Department dated 2.3.1999. Hence, the prayer made in the writ petition

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has become infructuous. The same view has been taken in batch of writ petitions in W.P.No.6359 to 6368 of 1999 etc., batch, dated 29.7.1999.

3. Hence, the writ petition has become infructuous. No costs"

4. Learned counsel appearing for the petitioners has not controverted the submissions made by the learned counsel appearing for the respondents.

5. In view of the above, these writ petitions have become infructuous. Hence, the writ petitions are dismissed as infructuous. No costs.

Sd/-
Asst.Registrar

/true copy/

Sub Asst.Registrar

To

1. The Secretary to Govt. Rural Development
   Local Administration Department,
   The State of Tamil Nadu
   Fort St.George, Chennai-9.

2. The Commissioner,
   The Municipal Corporation Council
   Tirunelveli Corporation
   Tirunelveli

+1 cc to Mr.K.R.Tamizmani, Advocate Sr.No.68034.

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W.P.Nos.9085,9086, 9088 and 9089 of 1999

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